American Military Ethics:

Stalwart in a Changing Society

A Monograph

by

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This monograph explores the American media's influence on ethical military policy and attempts to understand the complex relationship between the United States' military, the American media, and U.S. policy makers in the context of a changing society. Furthermore, this study aims to demystify media's role in wartime reporting for the military professional by showing that regardless of media's agendas, they provide an important check on an organization expected to perform roles that fall outside mainstream society's understanding of ethically acceptable behavior. Ethical case studies include events from the Philippine War, Korean War, Vietnam War, and Operation Iraqi Freedom. This research uses the logic of a three-component structured, focused comparison. The first component is identifying significant ethical compromises during war. From there major media outlets like the New York Times will provide evidence of media perspective and extent of coverage. Finally, the research establishes causality from evidence of government or military shift in ethical policy as a result of media's influence. The study concludes that the American military institution has been ethically sound and anomalies are failures of execution as a result of poor military leadership, personnel of weak ethical constitution, or insufficient ethics training for the fighting forces.

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Abstract

American Military Ethics: Stalwart in a Changing Society by Major Joseph R. Meyer, USAF, 45 pages.

This monograph explores the American media's influence on ethical military policy and attempts to understand the complex relationship between the United States' military, the American media, and U.S. policy makers in the context of a changing society. The purpose is to explore American media's influence on military ethical policy during wartime. Furthermore, this study aims to demystify media's role in wartime reporting for the military professional by showing that regardless of media's agendas, they provide an important check on an organization expected to perform roles that fall outside mainstream society's understanding of ethically acceptable behavior. Analysis determines observable military events that indicate a failure of military ethics. Ethical case studies include events from the Philippine War, Korean War, Vietnam War, and Operation Iraqi Freedom. This research uses the logic of a three-component structured, focused comparison. The first component is identifying significant ethical compromises during war. From there major media outlets like the *New York Times* will provide evidence of media perspective and extent of coverage. Finally, the research establishes causality from evidence of government or military shift in ethical policy as a result of media's influence. The study concludes that the American military institution has been ethically sound and anomalies are failures of execution as a result of poor military leadership, personnel of weak ethical constitution, or insufficient ethics training for the fighting forces.

Table of Contents

Introduction

The topic of ethics from a strictly theoretical perspective is cause for much discussion among academic disciplines. There is something generally altruistic about ethics, when discussing values and their rightness or wrongness. There is also significant underlying tension when applying ethics across disciplines, boundaries or cultures. Ethical interpretation is strongly related to one's culture, values and history. Furthermore, ethical norms vary among groups within the same society, causing friction between these groups. Clausewitz states, "Everything in war is very simple, but the simplest thing is difficult. The difficulties accumulate by producing a kind of friction that is inconceivable unless one has experienced war.…Countless minor incidents—the kind you can never really foresee—combine to lower the general level of performance, so that one always falls far short of the intended goal."[1] This quote comes from Clausewitz's discussion on "Friction in War" but it also speaks to the environment that can manifest itself in ethical foul play. This work represents an effort to better-understand the complex relationship between the United States' military, the American media, and U.S. policy makers in the context of a changing society. The research finds that the U.S. military institution has been ethically consistent, regardless of how the media presents events of perceived or actual ethical misgiving.

How do the American media influence military ethical policy during wartime? This question initiated the genesis of this monograph. The initial hypothesis for this work was that the American media holds the U.S. government and military accountable for ethical wrongdoing during war thus impacting military ethical policy either directly or indirectly through public outcry. In effect, this hypothesis indicates that media as an extension of the society it serves has forced military ethics to evolve by providing a check on ethical practices during war. As research progressed, it quickly became evident that the hypothesis was wrong. To be sure, people take part

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[1] Carl von Clausewitz, *On War,* ed. Michael Howard and Peter Paret (Princeton, NJ: Princeton University Press, 1984), 119.

in unethical behavior during every war and the media typically draws awareness to these events. Furthermore, media attention serves to force policy makers to defend policy for better or worse, or change it. The flaw was assuming that the military or government would be reactionary to the media's criticism. In fact, this research found that military ethical policy has been consistent across the timeframe that it covered. Although people are often flawed, the ethical policies of the military institution have been sound and typically, the media is reactionary to corrective events already taking place within the military or government. Nonetheless, the research that leads to this assertion will help the reader gain a more comprehensive understanding of the complex relationship between the U.S. government, the military and the media.

The business of war is one that requires well-developed and clear guidelines to frame the boundaries of acceptable behavior. This is especially important owing to the violent nature of war. Just war theory provides the conceptual framework for what is generally accepted as the right and wrong way to go to war. Just war theory involves the major concepts that justify the use of armed force on behalf of a nation.[2] This body of thought is required because the idea of willingly taking the lives of others during combat operations goes against societal norms of ethical behavior. The fact is, this is what is required of the military professional on a daily basis during wartime whether it is a Soldier executing the tactical realities of close range individual combat or an Airman delivering strategic ordinance. The nature of war demands that combatants possess a clear understanding of the boundaries of ethical behavior.

The challenge of this topic is arguably rooted in the complex nature of relationships between the military, the people and the government. Clausewitz recognized the complexity of the relationship between these actors in the context of war-making stating, "These three tendencies are like three different codes of law, deep-rooted in their subject and yet variable in

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[2] Bill Rhodes, *An Introduction to Military Ethics: A Reference Handbook,* Contemporary Military, Strategic, and Security Issues (Santa Barbara, CA: Praeger Security International, 2009), 23. Just war theory is also known as just war thinking, just war doctrine, or just war tradition.

their relationship to one another."[3] He further asserted that without close consideration of the relationships between these actors a theory would conflict with reality and therefore become irrelevant. In the same vein, Everett Carl Dolman, an Associate Professor of Comparative Military Studies at the United States Air Force's School of Advanced Air and Space Studies, recognizes that among these actors, "In war, the passions of the people can be elevated to great value.…The passions can also force the government into rash and inopportune policies."[4] If Dolman's assertion is true, then it would stand to reason that people in a democratic society, to include the media, have influence over the government and by extension the military. If people can influence policy then it is not a stretch to presume that people can also influence ethical decision-making. If not directly, they can at least react in a manner that drives the political or military leadership to adjust ethical policy. This leads to the following line of inquiry.

This monograph follows a line of inquiry to determine the extent of media's influence on military ethical policy. Initial analysis will determine observable military events that indicate a breakdown in ethical behavior of military members. This analysis will span select wars from 1899 to 2006 to include the Philippine War, Korean War, Vietnam War, and Operation Iraqi Freedom. Military historic texts lend insight to significant events and timeframes, and the *New York Times* provides an appropriate source for determining media's depth, span and perception of event coverage. Furthermore, focus within the *New York Times* is limited to articles that make the front page or world sections of the paper. Then research will compare significant events given focused media coverage to government and military reaction. This portion of the monograph aims to provide analysis and synthesis of media's coverage of events and the correlation with government or military policy change.

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[3] Clausewitz, *On War, 89.*

[4] Everett Carl Dolman, *Pure Strategy: Power and Principles in the Space and Information Age,* CASS Series: Strategy and History (New York: Frank Cass, an imprint of Taylor & Francis, 2005), 140.

This monograph is significant because it explores the relationship between the American media and U.S. military in the context of societal ethic behavior. It adds to the body of work that attempts to understand the complex relationship between the media and the military. The research serves two purposes in this vein. First, this study should shed some light on the American media's influence on military ethical practices and policy during wartime. Second, this study aims to demystify media's role in wartime reporting for the military professional. Regardless of media's agenda, it provides an important check on an organization expected to perform roles that fall outside mainstream society's understanding of ethically acceptable behavior. In order to continue with this discussion, it is important to first define some military ethical terminology.

Bill Rhodes, Professor of Philosophy and Military Ethics states, "As an organized discipline, ethics emphasizes systematically finding the best reasons for making particular choices or crafting particular policies."[5] This is the ongoing challenge that faces the military decision maker, from the President of the United States to the company or flight commander, as he or she struggles to make decisions foreign to the rest of society. Ethics in a military context provides a unique challenge because military operations nest within and are limited by the national strategic interests, as conveyed by strategy and policy. In war, military members are faced with decisions that result in life or death that civilians may never have to face. In other words, on a scale of good to bad, the decisions that military members regularly make require an extension of the aforementioned scale from bad to worse.

The theoretical framework that grounds military ethics is not new. Plato provided some of the earliest contributions to the concepts of just operations during war in his book *Republic*. "Being Greeks, they will not ravage Greece, they will not burn the houses, nor will they maintain that all the inhabitants of each city are their foes, men, women and children, but only a few, those who caused the quarrel….[T]his is how our citizens must behave toward their enemies, and

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[5] Rhodes, *An Introduction to Military Ethics*, 2.

toward barbarians they must behave as the Greeks now do toward each other."[6] Over time, this body of thought developed into just war theory. It is profoundly important to address what makes up a just war, assuming that the justice of war is that it brings about a better peace.

Just war theory is the body of thought that encapsulates the major themes of military ethics. It evolved over time; building on ideas of justice traced back to Saint Thomas Aquinas and Saint Augustine of the Catholic Church.[7] Medieval writers coined the terms *jus ad bellum* and *jus in bello*.[8] The terms have endured, continuing to find applicability today. *Jus ad bellum*, or justice in war, describes the criteria that stimulates critical thought and provides the ethical context for strategic decision makers to use when making decisions about entering into war, and the conduct of war.[9] The main criteria that make up *jus ad bellum* are legitimate authority, just cause, declaration of cause, right intention, proportionality, reasonable hope of success, and last resort.[10] Legitimate authority is limited to the lawful representatives of a nation. Just cause requires that the reason for going to war is sufficiently serious and morally warranted. Declaration of cause has to do with making one's purpose for war clear. Right intention should be to bring about a more enduring peace and stability. Proportionality under *jus ad bellum* ensures that war prevents more harm than it causes. Reasonable hope of success indicates that if defeat is inevitable; a legitimate authority should pursue avenues other than war. This is linked to the concept that war should be the last resort. It is important to consider the fact that the user further defines these criteria, which ultimately may mean vastly different things depending on culture, perspective and circumstance.

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[6] Plato, *The Republic,* Trans. G.M.A. Grube (Indianapolis, IN: Hackett Publishing Company, 1974), 131.

[7] Uwe Steinhoff, *On the Ethics of War and Terrorism* (Oxford: Oxford University Press, 2007)*,* 2.

[8] Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations* (United States: Basic Books, a division of HarperCollins Publishers, 1992), 21.

[9] Rhodes, *An Introduction to Military Ethics*, 76.

[10] Ibid., 24.

Generally, military members are not held accountable for justice of the wars they have a duty to wage. On the other hand, military members are concerned with *jus in bello*, which addresses ethical issues on a smaller but equally significant scale than *jus ad bellum*. Justice in war, or *jus in bello*, "frames major moral considerations on the conduct of war, providing guidance for military operations. It is not concerned with whether any given war itself is just, but rather with fighting justly."[11] The criteria associated with *jus in bello* are discrimination and proportionality.[12] Discrimination indicates that those fighting target only combatants and military targets. Proportionality associated with *jus in bello* means that military operations should only cause death and destruction in proportion to the military goals that the operation aims to achieve. Having discussed terminology important to military ethics, it is now time to give similar treatment to journalism ethics.

Contrary to military ethics, ethics in journalism are much more fluid and a common language that describes journalism ethics is lacking and immature. Stephen J. A. Ward describes journalism ethics in terms of objectivity in his book, *The Invention of Journalism Ethics,* stating, "The rise of journalism ethics begins with the emergence of a set of skills used in the production of printed news for a public."[13] Ward defines ethics for the journalist in terms of objective reporting. He goes on to indicate that the first articulation of "proto-objectivity" in print press occurs in the 1700s but, "nevertheless, the periodical news of the seventeenth century was only a marginally respectable discourse of fact."[14] Others describe journalism ethics in terms of concrete

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[11] Rhodes, *An Introduction to Military Ethics*, 103.

[12] Ibid., 25.

[13] Stephen J. A. Ward, *The Invention of Journalism Ethics: The Path to Objectivity and Beyond,* McGill-Queen's Studies in the History of Ideas, vol. 38 (Ithaca: McGill-Queen's University Press, 2006), 90.

[14] Ibid.*,* 91.

accountability.[15] This is a difficult concept. Whom should journalist be accountable to: the government, interest groups that attempt to influence their print, elites who pay their checks or the military during times of national crisis? Still others indicate that journalism ethics should reflect the ethics of society, since that is whom they are bound to inform and in some cases represent.[16] The media has evolved over time, but for the purposes of this monograph, there is one significant shift.

That shift occurred during Vietnam around the Tet Offensive. Daniel Hallin states, "Today journalist often portray the Vietnam/Watergate era as a time when the media "came of age," by which they mean both that the media became more autonomous in relation to the government and the professional journalist more autonomous within the news organization."[17] This is an important point to consider because the first two case studies, The Philippine War and the Korean War, occur before the media "comes of age." My Lai occurs during this shift and Operation Iraqi Freedom occurs well after. It is evident that this is a complex and hotly debated topic, having as many opinions as it does authors who espouse them. That said, this subject warrants further analysis. Having explained the evolution of both military ethics and journalism ethics, this discourse would not be complete without briefly addressing the context that both the military and journalist operate in, society.

Every event discussed in this monograph where military ethical behavior is called into question needs to be understood in the context of American society at the time the event occurs in order to better grasp the tensions between primary actors to include the military, government, media, and the American people. Societal ethics cannot be discounted, for it affects everything

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[15] Claude Jean Bertrand, *Media Ethics & Accountability Systems* (New Brunswick, NJ: Transaction Publishers, 2000), 107.

[16] Timothy E. Cook, *Governing with the News: The News Media as a Political Institution,* Studies in Communication, Media, and Public Opinion (Chicago: University of Chicago Press, 1998), 3.

[17] Daniel C. Hallin, *The "Uncensored War": The Media and Vietnam* (New York: Oxford University Press, 1986), 9.

from societal perception, journalistic approach, and the individual and group actions of that society's armed forces. For instance, the Philippine War of 1899 occurred less than 50 years after the American Civil War. The civil rights movement was still a long way off and United States society was rife with racial inequality. There is no doubt that white American society's lack of understanding of other races led to the perception that other races were inferior. This played into the vilification of Filipino insurgents therefore justifying their harsh treatment. On the other hand, the ethical misgivings that occurred as a result of American military behavior at Abu Ghraib happened in the context of an American society that had little or no tolerance for justified casualties of war. This made the inappropriate behavior of a few soldiers cause for immediate public outcry. These are examples that highlight society's role in defining ethically acceptable practices during a given timeframe. Having discussed the theoretical background of military, journalism and societal ethics; it is time to set some boundaries for the research of this monograph.

Regarding military ethics, this research is bounded by the United States Department of Defense interpretation of military ethics. The case studies for this monograph primarily focus on actions carried out by the United States Army, therefore it serves to mention what documents establish the Army's concept of ethics. The United States Army's interpretation of military ethics is based on the criteria of just war theory as describe earlier. *Field Manual One: The Army,* ties the ethical tenets of the Army to the U.S. Constitution and Declaration of Independence, referencing The Law of Land Warfare, Uniform Code of Military Justice, and the Code of Conduct as the documents that provide structure to Army moral and ethical standards.[18] For more specific description of the application of ethical execution of operations, soldiers reference *Field*

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[18] United States Army, *Field Manual 1: The Army* (June 2005), 1-14. The moral and ethical tenets of the Constitution and the Declaration of Independence form the basis of the military's professional ideals. The Law of Land Warfare, Uniform Code of Military Justice, and Code of Conduct give structure to its moral standards.

Manual 27-10: The Law of Land Warfare.[19] The Uniform Code of Military Justice (UCMJ) establishes and enforces the limits of ethical and moral practice by law.

This research focuses only on ethical violations that occurred within the United States Department of Defense and only the reactions of the U.S. media. This is important because it assumes that the media, the military, and the government are operating within more or less a common culture. Additionally, evidence of government or military reaction includes executive and legislative direction to change laws or wartime policy.

An important assumption for the purposes of this monograph is the idea that media in a democracy is largely uncensored and represents the interests of society. This assumption is valid because the free media are a subset of larger society. In actuality, media's bias has much to do with the way they report the facts, and will become evident during the literature review and analysis portions of the paper. Ultimately, for this monograph, media's bias is irrelevant because the public, the government, and the military will wade through the media bias to get to the pertinent facts, given enough time. This is especially true in today's globalized society in which the media has become prolific via numerous mediums of paper, television, radio, and internet. Having laid the framework of limits, delimits, and assumptions for this research it is time now to turn to the organization of the study.

Having nearly come to the end of the introduction, the next few pages will consist of a review of pertinent literature arranged in a topical manner to include, military ethics, journalism ethics, and the military media relationship. Following the literature review, is an explanation of methodology. In general, a structured, focused comparison as defined by Alexander L. George and Andrew Bennett in *Case Studies and Theory Development in the Social Science* will be

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[19] United States Army, *Field Manual 27-10: The Law of Land Warfare* (18 July 1956 incorporating changes made 15 July 1976). The fact that this regulation has survived since 1956 with only one change in 1976 is a testament to the fact that it is based on enduring principles described in just war theory.

applied to each case study.[20] First, is the identification of significant unethical behavior during wartime that led to an overwhelming media reaction looking as far back as the Philippine War of 1899. Based on the significance of an event and coverage, the aim of this monograph is to evaluate a possible connection between media reaction and any subsequent policy change. After describing the methodology, the bulk of the monograph details the findings of the research. Subsequent to that, the conclusion will provide synthesis of the previous sections and a general outlook for the future of military/media relations emphasizing the importance of ethical conduct of military operations. Additionally, the conclusion aims to inform the military member so they can better understand the links between ethical military policy and action in the context of American society, with the media acting as the arbitrator.

Literature Review

There is a plethora of literature addressing the relationship between the military and the media. Likewise, journalism ethics and military ethics are topics that demand attention from a significant number of authors. However, the line of inquiry central to this monograph is this: How does the American media influence military ethical policy during war? All of the literature addressed below is significant and necessary to this line of inquiry, but none of the works directly addresses media's influence on military ethics.

This literature review is organized topically to guide the reader through some of the important concepts and works on journalism ethics, military ethics and the relationship between the military and the media. The first works explore journalism ethics addressing the concepts of accountability, objectivity and political influence. Next, the discussion will turn to aspects of

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[20] Alexander L. George and Andrew Bennett, *Case Studies and Theory Development in the Social Sciences* (Cambridge: MIT Press, 2005), 67. The method is "structured" in that the researcher writes general questions that reflect the research objective and that these questions are asked of each case under study to guide and standardize data collection, thereby making systematic comparison of the findings of the cases possible. The method is "focused" in that it deals only with certain aspects of the historical cases examined.

military ethics during conflict from both a theoretical perspective and a moral standpoint. Finally, the review would not be complete without some understanding of the evolving relationship between the media and the military. This portion of the review will emphasize the struggle between censorship and transparency, as well as media's affect on public opinion and ethical policy. This broad to narrow approach to the pertinent literature helps the reader understand the follow-on analysis.

Journalism Ethics: In the Eye of the Beholder

The books discussed below were selected because they explore the concepts of media providing public service, media's accountability, and media as a political institution. In his book, *Media Ethics & Accountability Systems* Claude-Jean Bertrand asserted that the media is an industry, a public service, and a political institution.[21] Timothy E. Cook also supported this assertion in *Governing With the News: The News Media as a Political Institution*.[22] Both authors addressed a central tension that exists among professional journalists, the problem of accountability. Bertrand is not alone in his assertion that journalists reflect on their principles, but rarely develop rigorous conceptual accountability systems.[23] The question becomes, to whom is the media accountable? Is it the audience, government, advertisers, or their superiors? Bertrand stated that in a democratic society media is accountable to primarily the people:

> Journalism is special among democratic institutions in that its status is not based on social contract, a delegation of power by the people, either through an election or appointment dependent on degrees—or again through laws that would set norms of behavior for it. Therefore, to keep their prestige and independence, media need a deep awareness of their primary responsibility to provide a good public service.[24]

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[21] Bertrand, *Media Ethics & Accountability Systems*, 2.

[22] Cook, *Governing with the News*, 3.

[23] Ward, *The Invention of Journalism Ethics*, 23.

[24] Bertrand, *Media Ethics & Accountability System* s, 4.

Bertrand asserted that free media does a good job of creating accountability systems in theory, but talk is not enough and journalists need to put accountability into action in a manner that is equitable and fair.[25] Accountability is also a theme that Stephen A. Ward approached, but his focus was journalism ethics from the perspective of objectivity.

In his book, *The Invention of Journalism Ethics: The Path to Objectivity and Beyond* Stephen J. A. Ward understood journalist ethics with a focus on media objectivity.[26] His thesis was that journalists stand to lose support of their readers without a healthy communicative relationship supported by credible ethical rhetoric.[27] He asserted that it is hard to specify when journalists began to espouse ethics but as early as mid 1600s English weekly papers were making claims of impartiality and stating matters of fact.[28] In the 1800s, Ward pointed to a shift from impartiality to supporting the public ethic.[29] This is significant because it indicates a sense of public service in journalists, a concept supported by other authors concerned with journalism ethics.[30] The concept of ethics in journalism strayed from educating the public in an impartial manner to being "the voice of the masses, reflecting their interests, opinions, and concerns."[31] In, *The Uncensored War*, Daniel Hallin addressed the topic of objectivity during Vietnam stating that, "reporters treated this war more as a political issue, subject to the standards of objective reporting than previous American wars."[32] Cook asserted that Hallin's standards of objective reporting are merely a clever mask to prevent the public from recognizing journalists as political

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[25] Bertrand, *Media Ethics & Accountability Systems* , 107.

[26] Ward, *The Invention of Journalism Ethics*, 4.

[27] Ibid., 3.

[28] Ibid., 90.

[29] Ibid., 129.

[30] Bertrand, *Media Ethics & Accountability Systems,* 3. Cook, *Governing with the News*, 167. Bertrand and Cook agree that the media exist to serve citizens.

[31] Ward, *The Invention of Journalism Ethics*, 180.

[32] Hallin, *The Uncensored War*, 7.

actors.[33] Ward concluded that professional journalists embraced pragmatic objectivity because public confidence and their continued success depend on media's ability to counterbalance objectivity with sensationalism and partisanship.[34]

Timothy E. Cook continued the trend of recognizing the media as a necessary political institution that performs important government tasks in *Governing With the News: The News Media as a Political Institution*.[35] Cook asserted, and others agree, that there is a two-fold problem related to media governing with the news.[36] First is the problem of capacity, meaning that the media is not prepared to weigh problems, set political agendas, examine alternatives or study implementation. Second, the media tends to focus on episodic outcroppings that are concrete, dramatic, and simple to describe.[37] This focus outweighs news on continuing conditions, which the media perceives as mundane. The episodic outcroppings of questionable ethical behavior of military members meets the requirements for focused media attention that could influence government policy; either directly or by leading to public outcry. Cook and Hallin made a historical argument that the media is essentially the understated fourth branch of government.[38]

The concepts of media providing public service, media's accountability, and media as a political institution are significant to this monograph because the initial hypothesis rests on the premise of government action predicated upon the media's fair coverage of an event, or chain of

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[33] Cook, *Governing with the News*, 5.

[34] Ward, *The Invention of Journalism Ethics*, 254.

[35] Cook, *Governing with the News*, 3.

[36] Cook, *Governing with the News*, 167. Paul L. Moorcraft and Phillip M. Taylor, *Shooting the Messenger: The Political Impact of War Reporting* (Washington D.C.: Potomac Books Inc., 2008), 239. Moorcraft and Taylor agree that journalists are not equipped to govern arguing that journalists rarely have the political impact that they may think they possess. One should not confuse contemporaneous, piecemeal, video-ticker-tape service with a power to drive policymaking.

[37] Cook, *Governing with the News*, 167.

[38] Hallin, *The Uncensored War*, 9.

events. Having discussed works on media ethics, the next few paragraphs will explore works on military ethics.

Military Ethics: A Codified Understanding

Works selected for the military ethics portion of the literature review all deal with the widely accepted concepts of just war theory, but the authors each approach the topic from a different perspective. Bill Rhodes wrote, *An Introduction to Military Ethics: A Reference Handbook*. This book does not take a contentious position on ethics. Rather it is a succinct and well-written reference for those who are unfamiliar with the language of ethics and military ethics specifically. Rhodes' description of just war theory is contemporary but espouses enduring principles supported by a host of other preeminent authors on ethics to include Michael Walzer, Uwe Steinhoff, Barrie Paskins, Michael Dockrill, and Martin Cook to name a few.[39] The definitions of just war theory, *jus ad bellum*, and *jus in bello* as described earlier come from this work although they are terms universal to just war theory. Used throughout the monograph, these terms are central to understanding military ethics because they provide the boundaries for how the U.S. military approaches all of the activities inherent to war. Although *jus ad bellum* and *jus in bello* provide a comprehensive approach to just war theory, Michael Walzer made use of another term, supreme emergency.

The liberal political philosopher, Michael Walzer, introduced the idea of the supreme emergency thus separating his interpretation of just war theory from most of his contemporaries. He stated that his view of just war theory was largely influenced by the Vietnam experience to include his opposition to the war.[40] Walzer described this controversial idea stating that when,

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[39] Walzer, *Just and Unjust Wars*, 21. Uwe Steinhoff, *On the Ethics of War and Terrorism.* (Oxford: Oxford University Press, 2007), 2. Barrie Paskins and Michael Dockrill, *The Ethics of War* (Minneapolis: University of Minnesota Press, 1979), 191. Martin L. Cook, *The Moral Warrior: Ethics and Service in the U.S. Military* (Albany: State University of New York Press, 2004), 26.

[40] Walzer, *Just and Unjust Wars*, xi.

"the very existence of a community may be at stake, the restraint on utilitarian calculation must be lifted. Even if we are inclined to lift it, however, we cannot forget that the rights violated for the sake of victory are genuine rights, deeply founded and in principle inviolable."[41] He suggested that supreme emergency addressed a gap in just war theory; when a nation is at risk of something more than a military defeat and a fear beyond the ordinary fearfulness of war sets in. He went on to assert, "this fear and danger may well require exactly those measures that the war convention bars."[42] As with the earlier criteria of just war theory, it is the responsibility of the threatened nation to determine if their crisis meets the conditions of a supreme emergency. Then, at some point, that nation or actor must reconcile their departure from ethical operations. The purpose of addressing supreme emergency is to show that even experts in the field of ethics acknowledge that there are no absolutes. While Walzer made a moral argument based on theory, James H. Toner made a moral argument on military ethics that took a more personal tone.

The thesis of Toner's book, *The Sword and the Cross* was, "the leader—whether politician, diplomat, or soldier—bereft of ethical values is likely to commit heinous acts of butchery or barbarity in the name of political expediency. And more: that the leader—whether politician or diplomat, or soldier—bereft of practical values is liable, ironically, to condone heinous acts of butchery or barbarity in the name of moral purity."[43] Toner made an impassioned plea that ethics in warfare reflect societal ethics. That is complementary to Wards discussion of media's tendency to support the public ethic.[44] Therefore, it is up to society to ensure that values are integral to calculated wisdom; both within the government and the military.[45] Otherwise, there

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[41] Walzer, *Just and Unjust Wars*, 228.

[42] Ibid., 251.

[43] James Hugh Toner, *The Sword and the Cross: Reflections on Command and Conscience* (New York: Praeger, 1992), 1.

[44] Ward, *The Invention of Journalism Ethics*, 129.

[45] Toner, *The Sword and the Cross,* 155.

are no just wars. This is important because it highlights the relationship between the military, which are the means for carrying out society's goals as represented by a democratic government, and the society they represent.

Toner's argument almost discredits or eliminates the concern that the media has an accountability issue. This is the case because, regardless of why the media highlights a perceived ethical violation, theoretically an ethical public and the government will act appropriately on the information presented. Unfortunately, theory is much cleaner than practice. Rhodes stated, "Military members rarely enjoy the clarity and logical consistency for which ethical theory strives…This problem is due, at least in part, to the problems that military ethics addresses. Political and military decisions are often constrained by circumstances that leave people with no genuinely good choices."[46] This statement is the essence of what military members face during war. Having discussed ethics from the perspective of journalists and the military, it is fitting to explore the relationship and tension between the two institutions.

Media and the Military: Born From the Same Society

The relationship between the military and media is highlighted by its significant tension. Media has a responsibility to report what happens during war for better or worse. Whereas the military has a responsibility to address all that war presents in an ethical but often urgent manner. Michael S. Sweeney provided a journalist's perspective on the rocky relationship between the military and the press in his book, *The Military and the Press: An Uneasy Truce*. He spent significant time discussing censorship and tension between the military and the media throughout the major conflicts from the Spanish American War to current operations. Joel R. Davidson covered the same timeframe but from the perspective of U.S. citizen's perception of warfare.

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[46] Rhodes, *An Introduction to Military Ethics*, 20.

Davidson asserted, "Most Americans relied on the press to make sense of what war really was."[47] Both authors agreed that the media is integral in shaping public perception of war. This is important because they view the news as influential on public opinion, morale, and political strategy. Therefore, journalists are obligated to present the realities of war, and in a manner that is not propagandized or spun, similar to Ward and Bertrand's opinion.

In a democracy, public perception plays an undeniable role in influencing politics and arguably policy. Therein lays the importance of media's coverage of military events in a factual manner. Sweeney stated that "The military cannot, should not, expect the media to switch off the beam [of their focused attention] when it happens across the ugliness of war or the errors of those who fight it."[48] This concept is central to the idea that it is the imperative of the media to cover positive and negative acts of war as seen from a third party. Moorcraft and Taylor addressed the tension between the military, media and public when the military attempts to suppress media's coverage of wartime events. In *Shooting the Messenger: the Political Impact of War Reporting*, Moorcraft and Taylor explored the following thesis, "military forces, sometimes under government orders, have circumvented democratic accountability."[49] Like Sweeney and Davidson, Moorcraft and Taylor emphasized the importance of military transparency stating that military operations should be "disclosed to the electorate."[50]

Important to this monograph is the discussion of the media's impact on defense policy. In agreement with Hallin, Moorcraft and Taylor asserted that media's coverage of events tended to influence the process more than the policy itself stating, "The impact of the media on policy was proportional to the level of consensus in a society about the aims of the war. So to create any

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[47] Joel R. Davidson, *Armchair Warriors: Private Citizens, Popular Press, and the Rise of American Power* (Annapolis, MD: Naval Institute Press, 2008), xi.

[48] Sweeney, *The Military and the Press,* 227.

[49] Moorcraft and Taylor, *Shooting the Messenger*, x.

[50] Ibid., xi.

effect on the government, the stories should also resonate with the popular will."[51] This monograph initially hypothesized that issues of morality and ethics brought forward by the media have real impact on military policy as driven by the polity. The conclusions of Moorcraft, Taylor and Hallin turned out to be closer to reality then the initial hypothesis of this monograph.

This monograph explores the hypothesis that American media influences the polity therefore affecting military ethical policy. In the words of Carl von Clausewitz, "war is not merely an act of policy but a true political instrument, a continuation of political intercourse, carried on with other means."[52] The means to which Clausewitz is referring is the military. Although evidence refutes the initial hypothesis, the media can be an avenue to speed policy maker's recognition of unethical behavior that emerges during the execution of war. This is important not only to preserve the credibility of military efforts, but also to act as a check and balance for an ethical discipline that deals with the most difficult of choices.

Methodology

The primary goal of this study is to test the research questions and hypothesis that relate to media's influence of military ethics during wartime, as stated in the introduction. This chapter presents the methodology employed to test that hypothesis. Philosophical disciplines such as ethics lend themselves to qualitative analysis because discourse within such disciplines is highly subjective. Therefore, this research will take place as a structured, focused comparison, with the aim of applying three research components to four case studies. This will guide and standardize data collection, thereby making systematic comparison of the case study findings.[53] This chapter is organized into three sections: selection of significant ethically related cases, criteria of just war theory as instrumentation for evaluation, and medium for data collection and analysis.

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[51] Moorcraft and Taylor, *Shooting the Messenger*, 244.

[52] Clausewitz, *On War*, 87.

[53] George and Bennett, *Case Studies and Theory Development in the Social Sciences*, 67.

Selection of Significant Ethically Related Cases

This monograph defines a significant case simply as an event or chain of events that has been historically perceived to contain unethical behavior. When relying on historical accounts, it is important to remain cognizant that it is a representation of reality as seen through the perspective of the author. John Lewis Gaddis states, "The best you can do, whether with a prince or a landscape of the past, is to represent reality: to smooth over the details, to look for larger patterns, to consider how you can use what you see for your own purposes."[54] It is important to keep this in mind in order to understand how perception can influence reality. That said, events significant enough to warrant historical scrutiny qualify for further evaluation under the assumption made in the introduction that something worth investigating has happened even if media might not have all of the facts. The following historical events make up the case studies for this monograph: human rights atrocities committed during the Philippine War, U.S. soldier collaboration with North Korea and China during the Korean War, the My Lai massacre in 1968 during the Vietnam War, and finally the events that occurred at Abu Ghraib during Operation Iraqi Freedom (OIF). These specific events were selected because they were widely covered by historians and each suggests convincing arguments for ethical misconduct. Furthermore these cases have also warranted significant media coverage from which to gather data. The next section describes the instruments used to evaluate unethical behavior during this research.

Criteria of Just War Theory as Instrumentation for Case Study Evaluation

Having defined and described significant events for the purpose of this research, the next step is to describe the instrumentation by which to evaluate ethical misconduct. Just war theory as described earlier provides the theoretical underpinnings for military ethics. The military operates

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[54] John L. Gaddis, *The Landscape of History: How Historians Map the Past* (Oxford: Oxford University Press, 2002), 7.

within the legal boundaries set forth by Geneva Convention, Law of Armed Conflict, and Law of Land Warfare for the Army under penalty of the Uniform Code of Military Justice. These laws are based on moral and ethical conduct grounded in just war theory. The most common disciplines of thought within just war theory are the concepts of *jus ad bellum* and *jus in bello*. *Jus ad bellum*, or the right to wage war, are the criteria that stimulate critical thought and provide the ethical context for strategic decision makers to use when making decisions about entering into war, and the conduct of war. The main criteria that make up *jus ad bellum* are legitimate authority, just cause, declaration of cause, right intention, proportionality, reasonable hope of success, and last resort as defined in the introduction.[55] Military members are generally not accountable for the justice of wars to which they are committed by the body politic.

On the other hand, military members are concerned with *jus in bello*, which addresses ethical issues on a more tactical scale. Justice in war, or *jus in bello*, "frames major moral considerations on the conduct of war, providing guidance for military operations. It is not concerned with whether any given war itself is just, but rather with fighting justly." [56] The criteria associated with *jus in bello* are discrimination and proportionality as defined in the introduction. The case studies of this monograph deal primarily with violations of discrimination and proportionality.

Medium for Data Collection and Analysis

Historical texts and archival data provide sufficient sources to conduct this research. Historical texts provide an appropriate medium from which to determine events and their consequences in the temporal sense. Evidence such as attempted cover-up, blatant disregard for the Law of Armed Conflict, or reluctance to discuss events with the media are indicators that

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[55] Rhodes, *An Introduction to Military Ethics*, 24.

[56] Ibid., 25.

warrant further investigation of an event. Archival data is important to determine the extent of media coverage of significant events indicating ethical compromise. The *New York Times* is the primary source of print media for this research because the paper has been in print since 1851; covering all of the case study events mentioned earlier. Historical texts as well as government documents provide indication of military or government reaction to events and may give insight into what precipitated that reaction. The mediums of historical text, government documents, and the *New York Times* provide sufficient reference by which to analyze ethically related data.

Case study analysis is broken into three components. The first component consists of studying numerous historical military texts for their accounts of the significant events mentioned earlier that indicate a compromise of ethics. Multiple points of historical reference minimize the chance of capturing an event given overemphasis by a single author. Then applying the concepts of just war theory to the event in question confirms a compromise of ethics. Once determined to be a departure from military ethics, the second component of the data collection begins. The second component consists of researching archived print media during the timeframe of the event. Articles from the front page or world section provide evidence of media's reaction to events. Media's perspective on a given event and the length of coverage are considerations during this component of data analysis. At this point data analysis shifts to the third component, which is government and military reaction. This component presents the greatest analysis challenge: to determine if change occurred due to media influence or was media coverage a result of change. To avoid a chicken or egg argument, dates of coverage versus timeframe of change provide significant clues, as will any indicators that change within the military or government is taking place prior to media coverage. Ultimately, this approach aims to draw correlation between media's coverage of events, and government or military shift in policy or operating procedure. Having set out the methodology, the following chapter presents the results of this analysis and further discussion.

Analysis

Introduction

The design of this analysis tests the American media's effect on U.S. military ethical policy and action during war. This study achieves its purpose by examining case studies over the last century in the context of their environment in order to help the reader understand what constitutes an unethical act, as well as media's reaction leading to subsequent government or military reaction. This section presents the data analysis results for three stated research questions.

In an effort to maintain the rigor of a structured, focused comparison, three questions underpin each case study. The first question attempts to qualify each case by asking if there are any perceived or actual ethical misgivings in the context of the societal and military environment at the time of the incident. The second question addressed media's reaction to the event in question; asking what was the extent of media coverage of an event? This portion of analysis uses the *New York Times* to determine quality and quantity of coverage. For example, how many articles made the front page compared to the number of articles buried within the paper lends insight to how the *New York Times* perceived the importance of the issue. This question also serves to address the prevailing angle that the paper assumed on the issue with an eye on the concepts of objectivity and social responsibility as earlier discussed in the literature review. This leads to the third research question: Was there any government or military reaction to the event that stemmed from media's coverage of the event or was the military already taking action to correct shortcomings? As these questions are explored, it is important to remember the context in which the military operates.

All of the situations that make up this research are briefly described to the extent that the reader has a basic understanding of the events that took place. Therefore, it is important to understand the near impossible circumstances that military members overcome in the wartime

environment. Mere paper and pen cannot recreate the moment, but one must understand the idea that no events happen in a vacuum. The reader should also acknowledge the complexity of the environment in which these events occurred. A conventional war shifting to one that made use of guerrilla tactics is an excellent example of a complex environment, and as such, the Philippine War provides the first case study for analysis.

Philippine War: Racism and Ethical Behavior in War

The Philippine War began as an effort to occupy the Philippines after General Dewey's victory over the Spanish at Manila Bay.[57] The military actions of 1899 were highly conventional, but from 1900 until the end of hostilities in 1902, the U.S. found itself shifting largely to counterinsurgency operations. The purpose of the American occupation of the Philippines fuels debate. Historians tend to disagree on imperialistic intentions of American political and military leadership. One author points to pressure to intervene in Philippine affairs from every segment of American society.[58] Another points to the fact that President McKinley was in contact with imperialists and listened to their arguments, but "efforts to prove that the president was guided by an imperial master plan have lacked the documentation sufficient to raise them above speculation."[59] For the purpose of this case study, why the United States became involved in this conflict is as important as what actually happened. This is because current arguments on U.S. imperialism at the turn of the century indicate that there must have been widespread confusion of U.S. strategic aims in 1899.

The historical context and atmosphere of the environment is indicative of American societal ethics. Understanding it is central to answering the first research question regarding

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[57] Brian McAllister Linn, *The Philippine War, 1899-1902* (Lawrence KS: University Press of Kansas, 2000), 3.

[58] Stuart C. Miller, *"Benevolent Assimilation": The American Conquest of the Philippines, 1899-1903* (New Haven: Yale University Press, 1982), 11.

[59] Linn, *The Philippine War,* 3.

perceived or actual ethical misgiving. The Philippine War took place 50 years after the American

Civil War. Although slavery had been abolished, there was still a large part of society, primarily

in the southern United States, that remained in opposition to that decision. Racial inequality and

lack of civil rights spoke to the ethical climate that pervaded society in the late eighteen hundreds.

Major General Wesley Merrit, VII Corps Commander turn Military Governor of the Philippines,

was concerned that millions of Filipinos would "regard us with the intense hatred born of race

and religion."[60] The language used to describe Filipinos during the war clearly demonstrated that

Americans to include politicians, military leaders and soldiers alike, regarded Filipinos as less

than their equal. They were negatively referred to as mongrels, gu gus, and barbarous people

incapable of self-government. This rhetoric was indicative of societal ethics at the time, and may

have played a role in the unethical practices prevalent during the Philippine War.

In retrospect, there is no question that many unethical activities took place during the

Philippine War. One cannot open the most sterile of texts on that conflict without finding

evidence that supports failure of soldiers to discriminate between combatants and non-

combatants. Although it is not clear that racial tension played a leading role in the lack of

discrimination, this author is of the opinion that it was a contributing factor. Additionally, a

skeptic could argue that the Philippine War also failed to meet the criteria of last resort, meaning

that there could have been other political or diplomatic means by which to resolve the conflict,

assuming that America's intentions were not imperialistic. This also highlights the question of

just cause.[61] Domestic political needs and economic aspirations do not constitute just cause for

entering into war.[62] Various texts on the subject illustrate these agendas. It is evident that

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[60] Linn, *The Philippine War,* 11.

[61] Rhodes, *An Introduction to Military Ethics,* 24.

[62] Ibid.*,* 24.

unethical views and actions regarding civil rights pervaded domestic society, which sheds some light on press reaction to unethical practices in the Philippines.

The American media provided significant albeit biased coverage of the Philippine War. There were 1,810 articles written in the *New York Times* between 1899 and 1902 on the Philippine War. A search of the archives using the key words "massacre," "atrocities," and "torture" revealed 74 articles. Of those, only a few made the front page. The press and the government often spoke of atrocities as isolated incidents, putting them in context of insurgent brutality against citizens and American soldiers.[63] Brian McAllister Linn, author of *The Philippine War 1899 – 1902* and history professor at Texas A&M University, suggests there is a lack of evidence of systematic terrorism as a strategic option for either the United States or Philippines. He made the following statement about Filipino acts of cruelty against Americans, "It must be emphasized that these were isolated atrocities—much like those perpetrated against Filipinos by individual Americans."[64] On 31 May 1902, the *New York Times* printed a transcript from President Roosevelt's impassioned Decoration Day Speech in Arlington, Virginia. In this speech, President Roosevelt discussed atrocities committed in the Philippines in terms that the American public had become familiar with over the last few years. He said, "When there is talk of the cruelties committed in the Philippines, remember always that by far the greater proportion of these cruelties have been committed by the insurgents against their own people—as well as against our soldiers."[65] He continued to use this type of logic as an appeal to support victories in the Philippines. His plea indirectly justified retaliatory acts of this nature; and further media rhetoric followed suit.

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[63] Article, *New York Times*, May 6, 1902.

[64] Linn, *The Philippine War,* 196.

[65] Front Page, *New York Times*, May 31, 1902.

The policy that guided the United States Army during the Philippine War was General Order Number 100, Instructions for the Government of Armies of the United States in the Field. Initially issued during the Civil War, General Order 100 "…emphasized the occupier's obligation to restore order, protect property, and treat civilians with justice and humanity."[66] Tested by the likes of Brigadier General J Franklin Bell, the policies of General Order 100 survived the Philippine War. Written in the spirit of just war theory, the policies of General Order 100 depended on ethically sound leadership for successful execution; down to the noncommissioned officer. This indicates that ethically related military policy did not change after the Philippine War because of American media coverage. That said, as discussed earlier, the Philippine War took place prior to the media's "coming of age". The media of that period was less autonomous in their relationship to the government and by extension the military.

In summary, the Philippine War had numerous incidents of ethical misconduct on the part of both warring parties according to U.S. ethical standards. The domestic racial climate underpinned by failure of theater-based leadership and poor training led to those atrocities, although the military policy was sound. The press sought to characterize this behavior in terms of justified retaliation. Ultimately, President Roosevelt heralded the United States military as having, "…borne themselves with dignity and self control, so that nearly four years of military occupation have passed unmarred by injury or insult to man or woman."[67] This case study does not show any clear link between media coverage and policy change. On the contrary, media seemed to provide overwhelming support to the U.S. military, largely discounting any ethical violations that took place along the way because they shared a common understanding of this war with both the U.S. government and the military.

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[66] Linn, *The Philippine War,* 196.

[67] Article, *New York Times*, July 4, 1902.

Korean War: Communist Scare, POWs, and Wartime Collaboration

The Korean War provides a unique case study for this monograph. Surely, there are accounts of war atrocities on both sides that provide ample evidence of ethical misgiving, but those results would most likely yield similar results as the Philippine case study. There is also plenty of anecdotal and empirical evidence to support an argument of improper treatment of prisoners of war (POW) on both sides of the conflict. Again, this discussion would most likely lead to findings that pointed to failure of leadership and improper individual actions, as well as possible organizational failure to implement policies and guidance for the humane treatment of prisoners of war. These instances would also indicate failure of proportionality under the criteria of *jus in bello*. The approach for this case study is to examine the events that led to a common understanding, although misguided, that prisoners of war were guilty of collaboration with their Chinese and North Korean captors on wide scale. What did the media make of this, and what was the U.S. government's reaction?

The Korean War began on June 25, 1950 when 90,000 soldiers from the Korean Democratic People's Republic crossed the 38th parallel into the southern Republic of Korea.[68] July 27, 1953 marks the day that North Korea, China and the United States ended the fighting in Korea and signed an armistice.[69] This brought about a tenuous ceasefire, although the Republic of Korea and the Democratic People's Republic of Korea have yet to sign a peace treaty. Operation's Little Switch and Big Switch were the two major prisoner exchange operations between North Korea, China, the United States and the United Nations that occurred as the war wound down in mid to late 1953. During these operations, 82,493 communist soldiers were

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[68] Michael J. Varhola, *Fire and Ice: The Korean War, 1950-1953* (Mason City, IA: Savas Publishing, 2000), 288.

[69] Ibid., 297.

returned in exchange for 13,457 U.S. and United Nations' soldiers.[70] During the prisoner exchange, 21 U.S. soldiers refused to repatriate while roughly 21,000 communist soldiers also refused repatriation.[71] The logic of these statistics was lost in the emotion of returning to a nation in which "…fear of communism was already burning brightly, fanned on the charges of McCarthyism."[72]

The U.S. struggled with anticommunist fear catalyzed by the likes of Senator Joseph McCarthy. This scaremongering created widespread concern that many returning POWs and defectors were guilty of ethical misconduct known as collaboration. The charge of collaboration carried similar punishment in the military as treason did in civilian court.[73] These activities fall outside the realm of just war theory but the American public considered the activities of collaboration and defection to communist nations to be morally reprehensible, especially in the context of McCarthyism. History books have the benefit of viewing these events through a lens that filters the emotion of the moment. In the *Landscape of History*, John Lewis Gaddis states, "…direct experience of events isn't necessarily the best path toward understanding them, because your field of vision extends no further than your own immediate senses."[74] Although history has shown that collaboration was a problem during the Korean War, every war has had the same problem.[75] What makes this case study significant is the atmosphere of the time that played a part in creating a myth that collaboration was more widespread than it was in reality.[76] The American media served to perpetuate this toxic attitude toward returning POWs.

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[70] Paul M. Edwards, *The Korean War* (Westport, CT: Greenwood Press, 2006), 166.

[71] Ibid.*,* 167.

[72] Ibid.*,* 168.

[73] Raymond B. Lech, *Broken Soldiers* (Urbana, IL: University of Illinois Press, 2000), 215.

[74] Gaddis, *The Landscape of History*, 4.

[75] Edwards, *The Korean War,* 168.

[76] Ibid.*,* 187.

The *New York Times* published some 16,300 articles addressing the Korean War from the commencement of hostilities on 25 June 1950 until the end of 1953. Of these articles, a search on "Korea prisoner of war" during that timeframe yielded 584 articles. "Refusing repatriation" during the same timeframe produced 182 articles, 72 of which made the front page. In other words, nearly 40 percent of all the articles on soldiers refusing repatriation written in the *New York Times* over that three-year period made the front page. This speaks to the significance of the issue in the eyes of Americans, or at least the American media. Edwards states, "…the idea that Korean War POWs were unusually given to collaboration has remained despite being meticulously debunked both by military and civilian inquirers."[77] Supporting this claim is the fact that the Department of Defense investigated over 500 charges of collaboration, when ultimately only a few men were charged by court-martial.[78] Edwards suggests that the difference was the nature and brutality of their captivity rather than the nature of the man. The fact that nearly 38 percent of all American POWs died in North Korean or Chinese captivity due to starvation, exposure and torture supports his claim.[79] In contrast, only 14 percent of American military men died in captivity during Vietnam.[80]

An important point to discuss, related to media's portrayal of the Korean War POW, is the difference between discourse and reality as defined by John A. Lynn in *Battle*. Factual accounts ground the reality of war, but the discourse includes the web of assumptions, perceptions, expectations and values on a given subject.[81] Furthermore, there can be various discourses within a single society. The idea of American POWs collaborating with the communist

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[77] Edwards, *The Korean War,* 175.

[78] Ibid.*,* 167.

[79] Ibid.*,* 168. Korea saw ten times the POW deaths then World War II.

[80] Lech, *Broken Soldiers,* 2.

[81] John A. Lynn, *Battle: A History of Combat and Culture* (Boulder, CO: Westview Press, 2003), xx.

enemy played right into the pervasive discourse of McCarthyism and the fear of communism in the United States during the 1950s. This only served to feed the media's fervor for sensationalism. The reality is that every war has defectors and those who switch sides. Whether the media chooses to recognize that fact, is largely a function of the environment and atmosphere in which they are operating. Although media coverage was vast, a review of six front-page articles indicates that the *New York Times* approached the issue in a sympathetic manner. Nearly every article used terms like beaten mentally, moral destruction, atrocities, and indoctrination while attempting to help the reader understand the extreme conditions of deprivation.[82] None-the-less, the sheer magnitude of coverage concerning indoctrination and collaboration highlighted America's concern for the potential inadequacy of military policy regarding POW behavior.

The accepted guidance to military professionals who found themselves in enemy hands during the Korean War was very limited. It included divulging name, rank, service number, and date of birth. What was considered acceptable behavior beyond that was rather ambiguous. POW related events during the Korean War, drove clarification from the very top. On 17 August 1955, President Dwight D. Eisenhower signed the Code of Conduct into law.[83] "The Code of Conduct clearly and formally states the military profession's expectations as to how POWs ought to conduct themselves while in the custody of the enemy."[84] The articles are as follows:

> Article I: I am an American, fighting in the forces which guard my country and our way of life. I am prepared to give my life in their defense.
>
> Article II: I will never surrender of my own free will. If in command, I will never surrender the members of my command while they still have the means to resist.

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[82] Front Page Articles, *New York Times*, April 21, 1953; April 24, 1953; April 29, 1953; August 10, 1953; August 16, 1953; August 20, 1953.

[83] Lech, *Broken Soldiers,* 298.

[84] Richard A. Gabriel, *To Serve with Honor: A Treatise on Military Ethics and the Way of the Soldier* (Westport, CT: Greenwood Press, 1982), 221.

Article III: If I am captured I will continue to resist by all means available. I will make every effort to escape and to aid others to escape. I will accept neither parole nor special favors from the enemy.

Article IV: If I become a prisoner of war, I will keep faith with my fellow prisoners. I will give no information or take part in any action which might be harmful to my comrades. If I am senior, I will take command. If not, I will obey the lawful orders of those appointed over me and will back them up in every way.

Article V: When questioned, should I become a prisoner of war, I am required to give name, rank, service number, and date of birth. I will evade answering further questions to the utmost of my ability. I will make no oral or written statements disloyal to my country and its allies or harmful to their cause.

Article VI: I will never forget that I am an American, fighting for freedom, responsible for my actions, and dedicated to the principles which made my country free. I will trust in my God and in the United States of America.

The Code of Conduct provided an ethical vector for soldiers faced with the possibility of capture; while giving those who must judge a prisoner's performance post-conflict some idea of what is to be expected of a POW.

In summary, there was ethically compromising behavior in this case. The fact remains that there was communist collaboration during the Korean War. That situation in context of the Cold War, inevitably created an emotionally charged atmosphere. Additionally, it is clear that the media played a significant role influencing public opinion. As discussed earlier, the discourse was that collaboration was widespread and it was an unethical act. President Eisenhower recognized an opportunity to directly affect military policy by codifying ethical conduct for military men and women when taken prisoner of war. The Code of Conduct served to clarify the limits of acceptable behavior for POWs while addressing societal concerns about prisoner collaboration.

Vietnam: Atrocities of My Lai During an Unpopular War

January 1968 marked the beginning of the Tet Offensive, which shortly preceded the 16 March 1968 events at My Lai. Operations during Tet marked the first time that C Company, 1st Battalion, 20th Infantry of the 11th Light Infantry Brigade, otherwise known as Charlie Company

began combat operations in South Vietnam, even though they had been in country for nearly two months. Poor training, lack of accountability and low morale proved detrimental to the already challenging environment in which Charlie Company operated. The manner by which they operated from the end of January until 16 March indicated that Charlie Company was tolerant of ethical misconduct. What began as the round-up of hostile civilians for resettlement, led to the systematic beating of prisoners, which in-turn led to similar acts that were less discriminate of who was or was not Vietcong.[85] "The whole unit drifted into a culture of violence in which anything seemed plausible."[86]

"What became known as the My Lai massacre was designed as a routine search-and-destroy mission."[87] Numerous accounts of the massacre at My Lai clearly depicted wanton murder, rape, and mutilation resulting in the destruction of an entire village. The abhorrent activities that Charlie Company participated in on 16 March 1968, ultimately resulted in the demolition of all homes in My Lai, the pollution of every well, the killing of every animal, countless cases of rape and sexual assault, and the murder of nearly 350 Vietnamese civilians.[88]

This hints at what was occurring in the tactical environment. The operational environment, in part, defined success in terms of body count or the ratio of enemy to Americans killed in action. In *The Vietnam War on Trial: The My Lai Massacre and the Court-Martial of Lieutenant Calley* Michal R. Belknap concludes that this created a culture where the only real objective was survival.[89] This mentality influenced the senior leadership in country at the time. During this time, Lyndon B. Johnson announced that he would not be running for reelection and

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[85] Michal R. Belknap, *The Vietnam War on Trial: The My Lai Massacre and the Court-Martial of Lieutenant Calley* (Lawrence, KS: University Press of Kansas, 2002), 51.

[86] Ibid.*,* 56.

[87] Ibid., 60.

[88] William M. Hammond, *Reporting Vietnam: Media and Military at War* (Lawrence, KS: University Press of Kansas, 1998), 188.

[89] Belknap, *The Vietnam War on Trial*, 46.

responded to General Westmorland's request for 206,000 troops by sending 13,500.[90] This was

the beginning of the end for the Vietnam War. An environment marked by confusion, bitterness,

and resentment was taking hold.

The events of 16 March clearly violated the discrimination and proportionality criteria of

jus in bello. Charlie Company thought they were going to be attacking the 48th Viet Cong Local

Force Battalion; believed to be quartered at My Lai. When they arrived to find no men of military

age it did not stop them from exacting punishment on the villagers; disregarding the criteria of

discrimination between combatants and non-combatants. Additionally, the punishment they

extolled on the villagers of My Lai did not yield a single reported combatant casualty. Those

actions indicated a disregard for proportionality as well as discrimination.[91] Judgment is also

damning of the senior leadership up to and including the division commander Major General

Samuel Koster, who were all on-site maneuvering in air lanes above My Lai.[92]

The initial media coverage on My Lai was printed in the *St Louis Post Dispatch* on 13

November 1969, over a year and a half after the massacre took place. Someone alerted freelance

journalist, Seymour M. Hersch of a lieutenant being court-martialed for killing many civilians in

Vietnam.[93] After confirming the truth of this data, Hersch interviewed Calley and sold the story to

the *St Louis Post Dispatch*. This report came as no surprise to senior leadership in the Department

of Defense, having known about the massacre since April of 1969, again over a year after the

actual events occurred. Following Hersch's initial report, the press tuned in to every twist, turn,

and new piece of information that surfaced. This served to focus further journalists' research into

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[90] Hallin, *The "Uncensored War",* 170.

[91] Rhodes, *An Introduction to Military Ethics,* 25.

[92] Belknap, *The Vietnam War on Trial*, 78.

[93] Hammond, *Reporting Vietnam*, 188.

other potential war atrocities committed in Vietnam. Prior to the *St Louis Post Dispatch* agreeing to print the report, a number of other agencies declined this article.

The tempered approach taken by the media was only temporary because the facts were incontrovertible, and the story was sensational. A search of "My Lai" in the *New York Times* archives brings up 586 articles written from 13 November 1969, when Hersch's article printed, until the end of April 1976, the month that the U.S. Supreme Court denied Calley's petition for writ of certiorari; essentially denying his last resort to the appeals process.[94] Narrowing the search to "Calley My Lai" brings up 119 articles, nine of which made the front page. Press reaction initially focused on the events of Calley's trial and the U.S. Army cover-up that led to such a delayed initiation of justice. Another search during the same period of "massacre Vietnam American" yielded 398 articles associating American soldiers with massacre acts other than My Lai. Despite the flurry of reporting, Daniel Hallin concludes in *The Uncensored War* that, "Many Americans, incidentally, did not believe the news of the My Lai massacre."[95]

The question becomes, did media's uncovering of the events at My Lai cause any ethically related policy change in the military, be-it driven internally to the organization or externally from the civilian leadership in government office? This research concludes that in the case of My Lai, court-martial proceedings were already taking place by the time the media uncovered the event. If anything, the media frenzy made a fair trial more difficult because of the sheer volume of reporting. In fact, Calley's lawyers were able to reverse the Lieutenant's federal prison sentence on grounds of massive negative pretrial publicity leading to an unfair trial.[96]

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[94] Belknap, *The Vietnam War on Trial*, 268.

[95] Hallin, *The "Uncensored War"*, 180.

[96] Joseph Goldstein, Burke Marshall, and Jack Schwartz, *The My Lai Massacre and Its Cover-up: Beyond the Reach of Law: The Peers Commission Report with a Supplement and Introductory Essay on the Limits of Law.* (New York: The Free Press, 1976), 536.

The Peer's Report, a report conducted after My Lai that researched the Army's post event investigation and potential cover-up of activities, indicated unethical behavior up to the Division level as well as attempts to suppress information.[97] The report also found that policies were in place that expressed clear intent for proper treatment of noncombatants and property. On the other hand, findings suggested that policy for the reporting of war crimes was not clear and soldiers lacked training that emphasized the aforementioned policies.[98] This resulted in the Army redoubling efforts to provide soldiers with ethical training, beginning with basic training. The media played an important role by bringing this event to the eye of the public. The influence of the media on a public already beleaguered with doubts about the success of Vietnam cannot be minimized. Their coverage of this event may not have led to sweeping changes in the military, but it did add to the perceived shame that was becoming Vietnam. This undeniably contributed to the war's outcome by pulling on the levers of the public and the polity.

Iraq (Operation Iraqi Freedom): Detainee Policy under Public Scrutiny

The Iraqi prisoner abuse scandal is the final case study for this monograph. This is the most recent event involving unethical behavior that garnered significant media attention. For this reason, it is most likely very fresh in the minds of American citizens. Operation Iraqi Freedom (OIF) officially began on 20 March 2003 with a U.S. led invasion. U.S. forces moved quickly across the terrain, amassing a large number of detainees along the way. As in the initial stages of every war, the soldiers on the ground do much with limited resources, and the situation at Abu Ghraib was no different. "Of the 17 detention facilities in Iraq, the largest, Abu Ghraib, housed up to 7,000 detainees in October 2003, with a guard force of only about 90 personnel from the 800th

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[97] Goldstein, Marshall, and Schwartz. *The My Lai Massacre and Its Cover-up*, 56.

[98] Ibid., 319.

Military Police Brigade. Abu Ghraib was seriously overcrowded, under-resourced, and under continual attack."[99]

After initial conventional operations began to wind down, the enemy looked much less like a uniformed military opponent or lawful combatant. Additionally, Secretary of Defense Rumsfeld stated in a letter to the Joint Chiefs of Staff that Geneva Conventions did not apply to unlawful combatants such as al Qaeda or Taliban. That said, he went on to say that detainees should be treated humanely and consistent with military necessity and the Geneva Convention.[100] This created the seeds for further confusion that exacerbated already difficult circumstances for those involved with the security, detainment, and interrogation of prisoners. Secretary Rumsfeld then gave blanket approval for a list of enhanced interrogation techniques for use at Gitmo.[101] It did not take long for these techniques to migrate to Iraq for use, and in some cases abuse, by soldiers with and without the appropriate detention and interrogation training.

It is clear that there was ethical misconduct at Abu Ghraib in 2003. The photographic evidence alone, publicized for all to see on 28 April 2004 during a 60 Minutes II televised report, was irrefutable. The actions of individuals associated with prisoner abuses violated the *jus in bello* criteria of proportionality because they caused death and injury that was not in proportion to the intended military goals.[102] Additionally, the U.S. government's civilian leadership must take some measure of responsibility for approving enhanced interrogation techniques. Legal or not, they are considered by some to be ethically questionable and have been the topic of debate by

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[99] Independent Panel to Review DoD Detention Operations and James R. Schlesinger, *Final Report of the Independent Panel to Review DoD Detention Operations* (Arlington, VA: U.S. Government, 2004), 11.

[100] Douglas A. Pryer, *Fight for the High Ground* (Fort Leavenworth, KS: US Army Command and General Staff College, 2009), 22.

[101] Ibid., 24.

[102] Rhodes, *An Introduction to Military Ethics*, 25.

organizations like the American Civil Liberties Union.[103] The unclear guidance added to an

already aggravated and confusing climate at Abu Ghraib. That said, it does not excuse the fact

that, "soldiers at Abu Ghraib prison who tortured Iraqi prisoners cannot escape ethical

responsibility because they were following orders or because everyone else was acting in the

same way."[104] Given a clear breach of military ethical policy; what was the media's reaction to

these events?

The media used prison abuse in Abu Ghraib to highlight the shortcomings in what has

been a hotly debated interrogation policy underwritten by U.S. senior leadership. The applicable

dates to search the *New York Times* were 20 March 2003, the beginning of the Iraqi invasion, to

31 August 2010, the date that officially marks the end of combat missions in Iraq. A search for

"Abu Ghraib prisoner abuse" revealed 431 articles, 89 of which made the front page of the paper.

In the first article published by the *New York Times* the paper quoted Senator John Kerry saying,

"As Americans, we must stand tall for the rule of law and freedom everywhere…but we cannot

let the actions of a few overshadow the tremendous good work that thousands of soldiers are

doing every day in Iraq and all over the world."[105] This statement sounds strikingly familiar to

political statements made during the other three case studies. The newspaper does an adequate job

of describing the abuse and the investigation, but they do an outstanding job of drawing attention

to the upcoming election in 2004 by highlighting partisan political statements on the detainee and

interrogation issues made by the loudest proponents of both the conservative and liberal camps.

Furthermore, as could be anticipated from the previous paragraphs, Secretary Rumsfeld took a

beating from both camps. "Senator Joseph R. Biden Jr. of Delaware, the top Democrat on the

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[103] Richard A. Gabriel, *To Serve with Honor: A Treatise on Military Ethics and the Way of the Soldier* (Westport, CT: Greenwood Press, 1982), 17. Law is the formal dictate of the state, which may or may not have an ethical content in any given case.

[104] Ibid., 14.

[105] Front Page Article, *New York Times*, May 1, 2004.

Foreign Relations Committee, stopped just short of calling for Mr. Rumsfeld's resignation, saying that if the blame went all the way to Mr. Rumsfeld's office, he should step down," reported the *New York Times*.[106] Coverage of this event and subsequent trial proceedings were prolific and the effect of the photographs left an undeniable impact on Americans, but what effect did that have on military policy?

Prior to the public release of photographs, on 16 January 2004, Central Command "…announced there was an ongoing investigation into reported incidents of detainee abuse at a Coalition Forces detention center."[107] Military ethical policy related to detainees was a reflection of the guidance driven from civilian leadership and cannot be downplayed in this case. In an effort to clarify this policy Senator McCain created a bill to remove "the gray zone of tactics less severe than torture but harsher than those allowed by the Army Field Manual."[108] This bill would establish the Army Field Manual as the uniform standard for interrogation and ban the kind of abusive treatment of prisoners revealed at Abu Ghraib. This bill was in line with the *Final Report of the Independent Panel To Review DoD Detention Operations*, which made many recommendations to improve detention operations that included the following pertinent policy recommendations. The U.S. should further define policy on the categorization of detainees and define their status and treatment consistent with U.S. jurisprudence with interpretation of the Geneva Convention.[109] Furthermore, "…a policy for interrogation operations should be promulgated early on, and acceptable interrogation techniques for each operation must be clearly understood by all interrogation personnel."[110] In addition to these policy related

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[106] Front Page Article, *New York Times*, May 6, 2004.

[107] Steven Strasser, *The Abu Ghraib Investigations: The Official Reports of the Independent Panel and Pentagon on the Shocking Prisoner Abuse in Iraq* (New York, NY: Public Affairs, 2004), 37.

[108] Front Page Article, *New York Times*, December 16, 2005.

[109] Schlesinger, *Final Report of the Independent Panel to Review DoD Detention Operations*, 89.

[110] Ibid., 91.

recommendations, the report recommended additional force structure in the areas of military police and military intelligence, as well as a more robust training program for individuals involved with detainees.

In summary, this author finds no evidence pointing to the media's influence of military ethical policy in this case. Investigations of prisoner abuse allegations were already well underway when the media initially took up the cause. That said, the media used prison abuse in Abu Ghraib to highlight the shortcomings in what has been a hotly debated interrogation policy underwritten by U.S. senior leadership and used in two theaters of war. Media's pervasive approach to wartime coverage since the post-Vietnam era right down to the embedded reporter coupled with society's demand for transparency will continue to ensure that the U.S. public is aware of wartime events. The issue then becomes one of public judgment of an event potentially in isolation from the context in which that event occurred.

Summary of Analysis

This analysis addressed four distinct case studies in an attempt to test the American media's effect on ethical U.S. military policy and action during war. To recap the cases included a review of the human rights atrocities committed during the Philippine War, the popular concept of widespread collaboration with communist China and North Korea during the Korean War, the massacre at My Lai during Vietnam, and prisoner abuse at Abu Ghraib during Operation Iraqi Freedom. The three stated questions that framed this research aimed at identifying unethical behavior, analyzing media's reaction to that behavior, and finally determining government or military reactions as a result of media's coverage. All four cases provided evidence of unethical behavior. All four cases resulted in significant media coverage by the *New York Times*, but the state of society in the U.S. at the time of each event very much influenced how media approached each case. Contrary to the hypothesis in all cases excepting OIF, the U.S. government and military ascribed to sound ethical policy. However, flawed execution of those policies point to

failures in leadership and training; as well as highlighting an environment that enabled ethically bereft individuals to exploit a difficult situation.

Conclusion

As mentioned earlier in the analysis section, the context surrounding an event is as important as the event itself. This research identified two distinct veins to this context that matter when discussing military events, and the reactions they elicit from the American media. The first vein is the environment and atmosphere in American society when unethical events transpire. The second vein is the environment in the wartime theater. The American societal and wartime environments influenced each event as it unfolded. Additionally, these disparate environments contributed to the perception of events on the home front. In *Military Misfortunes: The Anatomy of Failure of War,* Eliot Cohen and John Gooch make the following astute observation regarding disaster in war that is indicative of the difference between civil and wartime environments. "Disaster is not a word that translates easily from the civil world to the military one. For one thing, it overlooks the fact that men in uniform are trained to function efficiently and effectively in an environment marked by danger and the imminent prospect of death—that is to say, to do their job in exactly those conditions that characterize civil disasters."[111] This not only speaks to environmental difference, but also lends credence to the purpose of this study. The first purpose was to determine if, and to what extent the American media influenced military ethical policy either directly or via government intervention. The second purpose was to clarify the media's role in wartime reporting by showing that regardless of media's overt or covert agendas, they provide an important check on an organization expected to perform roles that fall outside mainstream society's understanding of ethically acceptable behavior.

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[111] Eliot A. Cohen and John Gooch, *Military Misfortunes: The Anatomy of Failure of War* (New York, The Free Press, 1990), 1.

This study achieved that purpose, while at the same time disproving the hypothesis that the American media holds the U.S. government and military accountable for ethical wrongdoing during war thus affecting military ethical policy. While conducting this research, it did not take long to realize that the media, while providing an important check on the government and the military as an extension of government foreign policy, was largely reactionary to unethical behavior and very influenced by societal atmosphere and environment at the time. In the case of the My Lai massacre, the event occurred more than a year and a half before the media broke the story. To be fair, this was in large part due to the initial military cover-up and media's initial reluctance to print such an article on the grounds that it may hurt the war effort. That said, the media largely interfered with courts martial proceedings, possibly contributing to leniency for Calley based on the inability to conduct a fair trial.

In the case of the Philippine war, the media was largely supportive of efforts in the Philippines espousing harsh means as a justifiable ends to defeating a bloody insurgency. Here context is very important. Today, what is considered unethical practices regarding civil rights flourished at that time in the United States. In the opinion of some Americans, the Filipinos were just another inferior race. In this case, the media did little to emphasize the ethical aspects of what was happening in the Philippines. It was the sound ethical policy of General Order 100; left to the interpretation of theater leadership that determined how operations were executed. This case supports Toner's thesis that ethics in warfare reflect societal ethics. Although the media is reactionary and typically has an agenda, they serve as a check and balance for both the government and the military. Ultimately, it does not matter what the media agenda or spin is; given time, the public will eventually see through the angles and get to the heart of the issue. It may not happen when the first article on any given issue is published, but time is on the side of objectivity.

Although the media was found to be largely reactionary and not typically driving change to military ethical policy, American society's prevailing ethical norms have affected the

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execution of just war theory. This is so because, military personnel are a reflection of the society that they come from and the society they will eventually return too. Furthermore, the interpretation of just war theory cannot be isolated from a society's ethical environment at the time. The Philippine War, Vietnam and OIF case studies are a reflection of this, such that the failure was one of individuals and their leadership rather than the institution. Korea provided an example of sound policy that was too vague for execution. The shortfalls in execution of that policy rest on the shoulders of POWs, as well as the institution that put them in that position. Codifying the Code of Conduct and developing robust training like Survival, Evasion, Resistance and Escape School ensures those who are most likely to find themselves in a POW situation are prepared as best they can be.

The outlier here is Abu Ghraib and the additional, Secretary of Defense approved, interrogation techniques that fell outside of standard field manual techniques. This created a situation where civilian leadership drove ad hoc changes to military policy, but it does not remove responsibility from those who participated in or allowed prisoner abuse. However, in general, military ethical policy has been sound and this research has shown anomalies to be failures of execution linked to poor leadership, personnel of weak ethical constitution, and insufficient training. Nevertheless, there is room for further study in this field.

This research has focused on only the most well researched and discussed instances of unethical behavior of the military during war. The body of knowledge would benefit from further analysis on other ethically questionable events that have warranted media's attention to determine if conclusions drawn during this research continue to hold up across a broader field of case studies. Additionally, this research was limited by the *New York Times* as the primary media outlet. Expanding research to other, more conservative or liberal venues may also provide a means of further developing this body of knowledge. That said, there are some clear recommendations that can be drawn from this analysis.

This monograph explored American media's influence on ethical military policy to gain insight into the complex relationship between the United States' military, the American media, and U.S. policy makers in the context of military and societal ethics. Recommendations that come from this research are the following. First, recognize that there is always risk when dealing with the media and embrace it. However, do not allow contemporary concerns of society to cloud time-tested solutions and ethical practices codified in honor and blood. Regardless of their agenda, the media is a powerful tool that can drive questionable policy to the surface and force those responsible for such policy to either defend it or amend it, as was the case with Rumsfeld's interrogation policy during OIF. A second recommendation is that ethical training should be realistic in order to prepare military members for the worst case scenario. The seemingly never-ending training schedule that military members must accomplish during pre-deployment makes it easy to overlook what might be considered unnecessary training. That said, ethical mistakes in war are detrimental to legitimacy, compromising to the mission, put others in harm's way, and leave indelible stains on the reputation of our military and our nation. Therefore, the best solution is to prevent them all together through education. Finally, the example has to be set from the top down. Unethical behavior at higher levels of command, can lead to catastrophe if that atmosphere festers through the ranks. This seems intuitive but it is deeper than policing one's own actions. Toner states it best saying that the leader who operates in an unethical manner is wrong, but the leader who witnesses others operating in an unethical manner, and silently disapproves on grounds of moral purity is equally wrong.[112]

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[112] Toner, *The Sword and the Cross,* 1.

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